

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

ELIZABETH PAYNE,	§	
Plaintiff	§	
	§	
v.	§	CIVIL ACTION NO. 3-09CV0595-B
	§	
FRIENDSHIP WEST BAPTIST CHURCH, INC.,	§	
Defendant	§	

PLAINTIFF’S EXPERT DISCLOSURES

Plaintiff, Elizabeth Payne, makes these expert disclosures as required by Federal Rule of Civil Procedure 26(a)(2) and order of the court.

The following persons may be used at trial to present evidence under the Federal Rules of Evidence, including but not limited to Rules 702, 703, and/or 705:

- a. Susan E. Hutchison
- b. Foreman, Lewis & Hutchison, P.C.
611 S. Main St., Ste. 700
Grapevine, TX 76051
817.336.5533

- a. S. Rafe Foreman
- b. Foreman, Lewis & Hutchison, P.C.
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Ms. Hutchison and Mr. Foreman will testify as to the reasonableness and necessity of attorneys’ fees for the prosecution of this action, including appeals. Ms. Hutchison and Mr. Foreman will testify that a reasonable fee under these circumstances is either 40% of any recovery through trial, plus an additional 5% in the event of an appeal, or \$400.00 per hour, as well as any “lodestar” factors—see *Johnson v. Georgia Highway Express, Inc.* 488 F.2d 714 (5th

Cir. 1974). Ms. Hutchison's and Mr. Foreman's opinions are based upon the type and complexity of this case, the amount of pre-trial involved, the preclusion of other work and customary hourly rates.

Ms. Hutchison is licensed to practice law in the State of Texas and has been continually since 1987. She graduated from Texas Tech University School of Law where she was an Associate Editor of the Law Review. She began her practice with the firm of Reynolds, Shannon, Miller, Blinn, White and Cook, LLP, which became Shannon, Gracey, Ratliff and Miller, LLP. She left that firm in 1988 to join Fielding, Barrett & Taylor, LLP, where she practiced in the areas of employment, personal injury and medical malpractice litigation. She left that firm in 1994 to form the firm of Molloy, Lewis & Holloway, LLP, which later became the firm of Lewis & Hutchison, PC and is now known by the name of Foreman, Lewis & Hutchison, PC. She has always practiced in litigation and has primarily practiced in employment and civil rights litigation since 1988.

Ms. Hutchison is Board Certified in Personal Injury Trial Law and has been since 1992. She is a member of the National Employment Lawyer's Association, the DFW NELA, the Texas Employment Lawyer's Association and is past President of the Tarrant County Bar Association Labor & Employment Section. She was inducted into the Eldon B. Mahon Inns of Court in 1999. She is also a graduate of the Spence Trial Lawyers College.

Ms. Hutchison's current practice is primarily employment litigation representing plaintiffs. She has handled matters involving a wide array of employment claims, including sexual harassment, sex discrimination, age discrimination, disability discrimination, retaliation generally and whistleblower claims. She is familiar with the reasonable and customary attorney's fees charged in similar cases and, based upon her education and experience, believes

that either a 40% contingency fee or a range of \$400--\$425 per hour with lodestar adjustments is a reasonable, ordinary and customary fee for such a case in Dallas County.

Mr. Foreman was admitted to the Texas bar in 1988; New Mexico bar in 1989; in 1997 Oklahoma bar, U.S. District Court, District of Colorado; U.S. District Court, Northern, Eastern, Southern and Western Districts of Texas; U.S. District Court, District of New Mexico; U.S. District Court, Western District of Oklahoma; and U.S. Court of Appeals, Fifth and Tenth Circuits. He has recently as January 2005 had cases pending in as many as 8 states.

Mr. Foreman's education consist of Texas A&M University (B.S., cum laude, 1985); Texas Tech University (J.D.,1988); Gerry Spence's Trial Lawyers College (2002). He is certified in Mediation/Arbitration (Level I, 1992; Level II, 1993).

Mr. Foreman is a member of the State Bar of Texas (Member, Criminal Law Section); State Bar of New Mexico; Oklahoma Bar Association; American Bar Association; Texas Trial Lawyers Association; Texas Criminal Defense Lawyers Association; and National Association of Criminal Defense Lawyers. Mr. Foreman is Board Certified in Criminal Law, Texas Board of Legal Specialization.

Mr. Foreman is a partner in the law firm of Foreman, Lewis & Hutchison, P.C. where he practices law in jurisdictions across America with his law partners and law school classmates, Kern Lewis and Susan Hutchison.

Since 1988, Rafe has practiced in all areas of law in State and Federal Courts. He has extensive experience in civil rights, criminal law, real estate litigation, oil & gas, personal injury and other areas of civil litigation. He has tried hundreds of cases to juries in America. Rafe, Kern and Susan limit their practice to the representation of people who have been wronged or wrongfully accused.

Respectfully submitted,

s/Susan E. Hutchison
Susan E. Hutchison
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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

This is to certify that on this 21st day of January, 2010, a true and correct copy of the above and foregoing document was served on the following attorney of record via the following:

Faith Simmons Johnson
Faith Johnson & Associates, LLP
5201 N. O'Connor Blvd., Ste. 500
Irving, Texas 75039

_____	<i>CERTIFIED</i>	_____	<i>FAX</i>
_____	<i>MAIL</i>	_____	<i>HAND</i>
_____	<i>REGULAR MAIL</i>	_____	<i>DELIVERY</i>

s/Susan E. Hutchison
Susan E. Hutchison